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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,283	11/17/2000	Kenya Uomori	0819.458	5525
20277	7590	09/09/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			GOOD JOHNSON, MOTILEWA	
			ART UNIT	PAPER NUMBER
			2677	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/714,283

Applicant(s)

UOMORI ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada, U.S. Patent 5,331,419, in view of Okamoto, U.S. Patent Number 5,317,508.

Regarding claim 1, Yamada discloses an image processor comprising: a display which presents an image of an object thereon; (figures 1, 5, 8 and 13, col. 3, lines 9-11) and an image synthesizer (col. 4, lines 21) which generates a scale image, (col. 4, lines 55-61) representing a substantially real size, (col. 3, lines 10-13) at a position specified on the image presented on the display (col. 4, lines 21-26)

However, it is noted that Yamada fails to disclose in accordance with three-dimensional positional information of the object and for combining the scale image with

the image of the object, wherein a synthesized image, obtained by combining the scale image with the object image, is presented on the display.

Okamoto discloses in accordance with three-dimensional positional information of the object (figure 14, table shown in accordance with 3D position information, col. 11, lines 56-61) and for combining the scale image with the image of the object (col. 14, lines 50), wherein a synthesized image, obtained by combining the scale image with the object image, is presented on the display (col. 14, lines 10-68)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the real size display of Yamada, the synthesized image and positional information of the object as disclosed by Okamoto, to reduce the inefficiency of image editing with synthesizing image parts.

Regarding claim 2, Yamada discloses an imaging section which captures the object image containing the three-dimensional positional information; (col. 6, lines 27-31) and a range image generator (col. 5, lines 41-46) which draws the three-dimensional positional information from the image captured by the imaging section, wherein the image synthesizer generates the scale image in accordance with the three-dimensional positional information obtained by the range image generator. (col. 17, lines 30-57)

Regarding claim 3, Yamada discloses imaging section comprises a light-emitting device that projects light with a predetermined radiation pattern on the object and captures the object image containing the three-dimensional positional information by

receiving part of the light that has been projected onto, and then reflected from, the object. (col. 27, lines 13-17)

Regarding claim 4, Yamada discloses an imaging section having an automation or manual focusing controller, (col. 22, line 5) wherein the image synthesizer generates the scale image by using data, which represents a distance of the object and is obtained by the automatic or manual focusing controller, as the three-dimensional positional information. (col. 17, lines 48-57)

Regarding claim 5, Yamada discloses the scale image represents a shape of a ruler. (figures 1, 5 and 8, col. 24, lines 49-51)

Regarding claim 6, Yamada discloses an input device that is so constructed as to allow a user to externally input the specified position. (col. 18, lines 49-53)

Regarding claims 7 and 8, it is noted that Yamada fails to implicitly disclose input device is a touch panel formed on the surface of the display, pen like point device to allow the user to specify arbitrary coordinates on the surface. Yamada discloses entry means connected to a CPU for inputting scale factor information to specify a screen scale factor relative to the object and other purposes, col. 27, lines 64-68. It would have inherent to include touch panel and pen like point device, as a form of the entry means disclosed in Yamada, for input to be received for the necessary reproduction and scale information, because CPU's are known as having various input components.

Regarding claim 9, Yamada discloses an input device is a cursor key, mouse or press button that allows the user to move a cursor presented on the display and to specify coordinates of the cursor. (col. 27, lines 64-68)

Regarding claims 10 and 13, they are rejected based upon similar rational as above claims 1 and 2 respectively.

Regarding claim 11, Yamada discloses image synthesizer combines the image of one of the objects . . . with another background image. (col. 25, lines 52-63)

Regarding claim 12, Yamada discloses image synthesizer cuts out an image portion, which is made up of pixels at respective locations . . . as the separated object image . . . (col. 23, lines 5-21)

Regarding claims 14 and 15, they are rejected based upon similar rational as above claims 3 and 4.

Regarding claim 16, Yamada discloses image synthesizer is so constructed as to upscale, downscale or rotate at least one of the images. (col. 28, lines 50-68)

Regarding 17, Yamada discloses a processor . . . constructed as to allow a user to externally defined or change relative positions of the images being combined. (col. 28, lines 9-30)

Regarding claim 18, Yamada discloses an image processor comprising: a display (col. 18, line 46) for presenting an image of an object thereon and an image synthesizer (col. 22, line 48) for generating an image, representing the object substantially in its real size when presented on the display, (col. 3, lines 8-13) by scaling the image up or down in accordance with three-dimensional positional information . . . (col. 25, line 67 – col. 26, line 4, col. 28, line 66 – col. 29, line 6)

Regarding claims 21 and 22, Yamada discloses the image synthesizer calculates the real size of the object based on the image of the object (col. 4, lines 25-31)

Regarding claim 23, it is rejected based upon similar rational as independent claim 1. Yamada further discloses a number of images (col. 12, line 5-15) and further discloses calculating a scale in which objects are under in-focus condition (col. 15, line 47-64)

Regarding claims 24-26, Okamoto discloses the scale image and the image of the object are combined in accordance with the three-dimensional positional information of the object (figure 10-13)

### ***Response to Arguments***

3. Applicant's arguments, see page 9, filed 04/25/2005, with respect to the rejection(s) of claim(s) 1-6, 9-18 and 21-23 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yamada in view of Okamoto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone

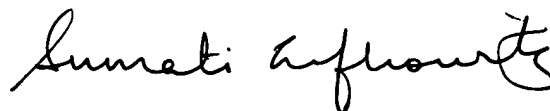
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2677

mgj

A handwritten signature in black ink, appearing to read "Sumati Lefkowitz", with a stylized, cursive script.

**SUMATI LEFKOWITZ**  
**SUPERVISORY PATENT EXAMINER**